UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,798	10/30/2000	Timothy J. Smith	HAYSCHR.002A	8714

20995   7590   02/27/2004

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/699,798	SMITH ET AL.
	Examiner	Art Unit
	Joshua D Campbell	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to..

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage. application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Application filed on 10/30/2000.

2.   Claims 1-31 are pending in this case. Claims 1, 9, 17, 21, 25, 28, and 31 are

independent claims.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-16 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gutfreund et al. (hereinafter Gutfreund, US Patent Number 6,665,835, filed on

December 23, 1997).

Regarding independent claim 1, Gutfreund discloses a method in which a

multimedia file is received and slides or notes pertaining to the multimedia file are also

received (column 2, line 37-column 3, line 3 of Gutfreund). A user watches this

multimedia file and adds a timestamp, which corresponds to a time when a static file

object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of

Gutfreund). The final multimedia presentation that is created is one file that has

embedded timestamps that link to the associated files that will be shown at that time
(column 2, line 37-column 3, line 3 of Gutfreund).

Regarding dependent claim 2, Gutfreund discloses that a user watches this
multimedia file and adds a timestamp, which corresponds to a time when a static file
object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of
Gutfreund). The final multimedia presentation that is created is one file that has
embedded timestamps that link to the associated files that will be shown at that time
(column 2, line 37-column 3, line 3 of Gutfreund).

Regarding dependent claim 3, Gutfreund discloses that timestamps defined by
a user input are based on the time as compared to the time the presentation was
started to the amount of the presentation (in time) has been viewed (column 5, lines 20-
55 and Figure 6 of Gutfreund).

Regarding dependent claim 4, Gutfreund discloses that timestamps defined by
a user input are based on the time as compared to the time the presentation was
started to the amount of the presentation (in time) has been viewed (column 5, lines 20-
55 and Figure 6 of Gutfreund).

Regarding dependent claim 5, Gutfreund discloses that the final multimedia
presentation that is created is one file that has embedded timestamps that link to the
associated files that will be shown at that time and is viewed as a streaming output
(column 2, line 37-column 3, line 3 of Gutfreund).

Regarding dependent claims 6 and 8, Gutfreund discloses a method in which a
multimedia file (video file that contains audio) is received and slides or notes (pictures or

text) pertaining to the multimedia file are also received (column 2, line 37-column 3, line 3 of Gutfreund).

Regarding dependent claim 7, Gutfreund discloses that the final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time and is viewed as a streaming output (column 2, line 37-column 3, line 3 of Gutfreund).

Regarding independent claim 9 and dependent claims 10-16, the claims incorporate substantially similar subject matter as claims 1-8. Thus the claims are rejected along the same rationale as claims 1-8.

Regarding independent claim 31, Gutfreund discloses a method in which a multimedia file is received and slides or notes pertaining to the multimedia file are also received (column 2, line 37-column 3, line 3 of Gutfreund). A user watches this multimedia file and adds a timestamp, which corresponds to a time when a static file object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). The final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time (column 2, line 37-column 3, line 3 of Gutfreund). Gutfreund discloses a method in which the program is carried out on a computer, which inherently consists of a processor and memory coupled including a storage device, the memory allowing for the storage of multiple data structures (database) (column 2, line 37-column 3, line 3 of Gutfreund).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gutfreund et al. (hereinafter Gutfreund, US Patent Number 6,665,835, filed on

December 23, 1997) in view of Srinivasan et al. (hereinafter Srinivasan, US Patent

Number 6,357,042, filed on January 22, 1999).

Regarding independent claim 17, Gutfreund discloses a method in which a

multimedia file is received and slides or notes pertaining to the multimedia file are also

received (column 2, line 37-column 3, line 3 of Gutfreund). A user watches this

multimedia file and adds a timestamp, which corresponds to a time when a static file

object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). The final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time (column 2, line 37-column 3, line 3 of Gutfreund). Gutfreund does not disclose a method in which the time stamp can be based on frames rather than second. However, Srinivasan discloses a method in adding static metadata to a streaming media presentation can be accomplished by using a timestamp based on video frames. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Gutfreund with the frame-based timestamp method of Srinivasan because it would have allowed for a more accurate placement of static events corresponding to the streaming media.

Regarding dependent claim 18, Gutfreund discloses that a user watches this multimedia file and adds a timestamp, which corresponds to a time when a static file object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). The final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time (column 2, line 37-column 3, line 3 of Gutfreund).

Regarding dependent claim 19, Gutfreund discloses that a user watches this multimedia file and adds a timestamp, which corresponds to a time when a static file object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). The final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time

(column 2, line 37-column 3, line 3 of Gutfreund). Gutfreund does not disclose a method in which the time stamp can be based on frames rather than second. However, Srinivasan discloses a method in adding static metadata to a streaming media presentation can be accomplished by using a timestamp based on video frames. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Gutfreund with the frame-based timestamp method of Srinivasan because it would have allowed for a more accurate placement of static events corresponding to the streaming media.

Regarding dependent claim 20, Gutfreund discloses that the final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time and is viewed as a streaming output (column 2, line 37-column 3, line 3 of Gutfreund).

Regarding independent claim 21 and dependent claims 22-24, the claims incorporate substantially similar subject matter as claims 17-20. Thus, the claims are rejected along the same rationale as claims 17-20.

8.   Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutfreund et al. (hereinafter Gutfreund, US Patent Number 6,665,835, filed on December 23, 1997) in view of Microsoft Press (hereinafter Microsoft, Microsoft Press Computer Dictionary, published in 1997).

Regarding independent claim 25, Gutfreund discloses a method in which a multimedia file is received and slides or notes pertaining to the multimedia file are also

received (column 2, line 37-column 3, line 3 of Gutfreund). A user watches this multimedia file and adds a timestamp, which corresponds to a time when a static file object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). The final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time through a web browser (column 2, line 37-column 3, line 3 of Gutfreund). Gutfreund does not disclose a method in which the notes and slides (transcript) are used to produce a markup file. Microsoft discloses that markup languages are used to format electronic documents in forms of desktop publishing, such as using HTML or SGML. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have presented the notes and slides of Gutfreund using a markup language because as shown by Microsoft it was well known in the art at the time the invention was made.

Regarding dependent claim 26, Gutfreund discloses that the final multimedia presentation that is created is one file that has embedded timestamps that link to the associated notes and slides (portions of the orginal static presentation file that will be shown at that time and is viewed as a streaming output (column 2, line 37-column 3, line 3 of Gutfreund). Gutfreund does not disclose a method in which the notes and slides (transcript) are used to produce a markup file. Microsoft discloses that markup languages are used to format electronic documents in forms of desktop publishing, such as using HTML or SGML. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have presented the notes and slides of Gutfreund

using a markup language because as shown by Microsoft it was well known in the art at the time the invention was made.

Regarding dependent claim 27, Gutfreund discloses that a user watches this multimedia file and adds a timestamp, which corresponds to a time when a static file object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). The final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time (column 2, line 37-column 3, line 3 of Gutfreund). Gutfreund does not disclose a method in which the notes and slides (transcript) are used to produce a markup file. Microsoft discloses that markup languages are used to format electronic documents in forms of desktop publishing, such as using HTML or SGML. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have presented the notes and slides of Gutfreund using a markup language because as shown by Microsoft it was well known in the art at the time the invention was made.

Regarding independent claim 28 and dependent claims 29 and 30, the claims incorporate substantially similar subject matter as claims 25-27. Thus, the claims are rejected along the same rationale as claims 25-27.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,530,859, by Tobias, II et al.

US Patent Number 5,815,689, by Shaw et al.

US Patent Number 5,826,102, by Escobar et al.

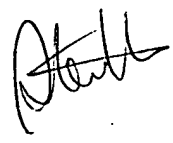US Patent Number 6,006,241, by Purnaveja et al.

US Patent Number 6,642,966, by Limaye.

. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joshua D Campbell whose telephone number is

(703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

STEPHEN S. HONG
PRIMARY EXAMINER

JDC
February 20, 2004